

103^D CONGRESS
2^D SESSION

S. 2472

To require the Administrator of the Environmental Protection Agency to issue rules governing risk assessments, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 28 (legislative day, SEPTEMBER 12), 1994

Mr. LOTT introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To require the Administrator of the Environmental Protection Agency to issue rules governing risk assessments, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Sound Science in Risk
5 Assessment Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) as of the date of enactment of this Act, ap-
9 proximately \$140,000,000,000 per year, over 2 per-
10 cent of the annual gross national product of the

1 United States, is being spent on environmental com-
2 pliance, and the amount being spent is expected to
3 rise substantially;

4 (2) unfunded Federal environmental mandates
5 are straining the budgets of State and local govern-
6 ments and may diminish the financial resources
7 available for other important public programs and
8 services;

9 (3) an environmental risk assessment developed
10 by the Environmental Protection Agency is often
11 perceived as not containing sufficient scientific ob-
12 jectivity, absence of bias, clarity, or consistency to
13 serve as a sound and credible basis for protecting
14 public health and safety, determining environmental
15 protection needs and priorities, making regulatory
16 decisions, or allocating limited financial resources;
17 and

18 (4) Executive Order No. 12866 (5 U.S.C. 601
19 note; relating to regulatory planning and review) re-
20 quires a decision by a Federal agency to be based
21 on the best reasonably obtainable scientific and tech-
22 nical information, and embodies the principle of
23 openness in government.

1 **SEC. 3. RISK ASSESSMENT PRINCIPLES.**

2 In accordance with this Act, the Administrator of the
3 Environmental Protection Agency (referred to in this Act
4 as the “Administrator”) shall develop rules, proposed
5 rules, and review procedures that provide that—

6 (1) risk assessments shall be—

7 (A) consistent;

8 (B) of high technical quality;

9 (C) scientifically objective; and

10 (D) unbiased; and

11 (2) significant uncertainties regarding facts,
12 scientific knowledge, the validity of analytical tech-
13 niques, or numerical risk estimates are clearly dis-
14 closed in terms readily understandable to the public.

15 **SEC. 4. PROPOSED RULES.**

16 (a) PROPOSED GENERAL RULES.—Not later than
17 180 days after the date of enactment of this Act, the Ad-
18 ministrator shall issue, in accordance with section 3, pro-
19 posed rules that—

20 (1) set forth uniform general procedures gov-
21 erning risk assessments conducted by the Environ-
22 mental Protection Agency; and

23 (2) incorporate, to the extent the Administrator
24 considers advisable, relevant guidelines existing prior
25 to the issuance of the proposed rules.

1 (b) DISTINCTIVE APPROACHES, TECHNIQUES, OR
2 METHODOLOGIES.—

3 (1) PROPOSED DISTINCTIVE RULES.—Not later
4 than 1 year after the date of enactment of this Act,
5 the Administrator shall issue, in accordance with
6 section 3, proposed rules to govern use of a distinc-
7 tive type of risk assessment approach, technique, or
8 methodology. The rules shall specify the minimum
9 standard for a risk assessment approach that is ap-
10 propriate for the scale of the problem to be assessed,
11 the level of scientific understanding, and the avail-
12 able data.

13 (2) USE OF DISTINCTIVE APPROACHES, TECH-
14 NIQUES, OR METHODOLOGIES.—In accordance with
15 section 3, the Administrator shall determine the dis-
16 tinctive types of risk assessment approaches, tech-
17 niques, or methodologies for which a proposed rule
18 will be issued pursuant to paragraph (1). The Ad-
19 ministrator shall include risk assessment approaches,
20 techniques, or methodologies that utilize epidemio-
21 logical data. In the case of an approach, a technique,
22 or a methodology not in use prior to the date of en-
23 actment of this Act, the Administrator shall develop
24 rules to govern the distinctive use of the approach,
25 technique, or methodology before using the ap-

1 proach, technique, or methodology in a risk assess-
2 ment.

3 **SEC. 5. RISK ASSESSMENT REVIEW.**

4 (a) REVIEW PROCEDURES.—Not later than 180 days
5 after the date of enactment of this Act, the Administrator
6 shall issue procedures, in accordance with section 3, for
7 the review and revision of a risk assessment completed
8 prior to the enactment of this Act or the issuance of final
9 risk assessment rules under section 6.

10 (b) BASIS FOR REVIEW.—

11 (1) CRITERIA FOR REVIEW.—A review of a risk
12 assessment in accordance with the procedures issued
13 under subsection (a) shall be conducted by the Ad-
14 ministrator on the written petition of a person if—

15 (A) the risk assessment is inconsistent
16 with the principles set forth in section 3;

17 (B) the risk assessment is inconsistent
18 with a rule issued under section 4; or

19 (C) the risk assessment does not take into
20 account significant new scientific data or sci-
21 entific understanding.

22 (2) RESPONSE TO PETITION.—Not later than
23 60 days after receiving a petition under paragraph
24 (1), the Administrator shall respond to the petition
25 by agreeing or declining to review the risk assess-

1 ment referred to in the petition, and shall state the
2 basis for the decision.

3 (3) JUDICIAL REVIEW.—Denial of a petition by
4 the Administrator shall be subject to judicial review
5 in accordance with chapter 7 of title 5, United
6 States Code.

7 **SEC. 6. FINAL RULES.**

8 (a) NOTICE AND COMMENT PROCEDURES.—Not later
9 than 270 days after the date of enactment of this Act,
10 in accordance with section 553 of title 5, United States
11 Code, the Administrator shall publish in the Federal Reg-
12 ister a list of risk assessment approaches, techniques, or
13 methodologies for which a rule shall be issued under sub-
14 section (b), after taking into account comments by the
15 public, Federal agencies, States, municipalities, experts in
16 the scientific community, and such other persons as the
17 Administrator considers advisable.

18 (b) ISSUANCE OF FINAL RULES.—Not later than 1
19 year after the date of enactment of this Act, in accordance
20 with sections 3 and 4 of this Act and section 553 of title
21 5, United States Code, the Administrator shall publish in
22 the Federal Register final rules, after taking into account
23 comments by the public, Federal agencies, States, munici-
24 palities, experts in the scientific community, and such
25 other persons as the Administrator considers advisable.

1 **SEC. 7. PRIVATE RIGHTS OF ACTION PRECLUDED.**

2 Nothing in this Act shall give rise to a private right
3 of action seeking damages against the United States or
4 against an agency or instrumentality of the United States.

